IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

Crl.Rev.Pet.No. 308 of 2007(C)

CRA.15/2004 of SESSIONS COURT, PATHANAMTHITTA
CC.401/2001 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II,PATHANAMTHITTA

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REVN. PETITIONER: APPELLANT/ACCUSED:

JAYASON, S/O.JOHNSON,
MADUKAMOOTTIL, MYLAPRA P.O.,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.ABRAHAM SAMSON
SMT.LOVELY SAMSON

RESPONDENTS:

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1. REJI THOMAS, PARAYANTA AYYATHU HOUSE,
V-KOTTAYAM (P.A. HOLDER OF ROSAMMA DANIEL)
VALUTHUNDIYIL HOUSE, ELIYARACKAL, KONNI,
PATHANAMTHITTA DISTRICT.

2. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY ADV. SMT.DEEPTHI S.MENON
PUBLIC PROSECUTOR SRI.C.M.CAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

Crl.R.P. No.308 of 2007

Dated this 23rd day of January, 2007.

O R D E R

Revision Petitioner is the accused in C.C.No.401 of 2001 on the file of the Judicial First Class Magistrate's Court No.II, Pathanamthitta. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for six months under Section 138 of the Negotiable Instruments Act and also directed to pay compensation of Rs.35,000/- to the complainant in default of payment to undergo simple imprisonment for three months under section 357(3) of the Code of Criminal Procedure. In appeal filed by him, the conviction is confirmed and the sentence is modified by the Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.Appl.No.954 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the first respondent. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.Appl.No.954 of 2007 and Revision Petition are allowed.

vgs. **K. HEMA, JUDGE.**